

# **EXHIBIT GG**

May 22, 2013

1 SUPERIOR COURT OF NEW JERSEY  
2 LAW DIVISION - ATLANTIC COUNTY

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:CASE NO.

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:291 CT

IN RE:

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PELVIC MESH/GYNECARE LITIGATION

:MASTER CASE

:6341-10

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Transcript of the case management

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conference in the above-captioned matter, taken by

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KIMBERLY A. CAHILL, a Federally Approved Registered

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Merit Reporter, Certified Court Reporter, and Notary

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Public for the State of New Jersey, held at Atlantic

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City Courthouse, 1201 Bacharach Boulevard, New

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Jersey, on the above date, commencing at

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approximately 1:21 p.m.

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1                   What I will tell you is that, up  
2   until yesterday, nobody contacted me about the  
3   depositions I requested. I had -- and only after I  
4   unilaterally noticed depositions that had been  
5   ignored -- and I didn't notice all 20 that I  
6   requested on March 20th. I sat down with Adam. I  
7   sat down with people from the MDL and I said, well,  
8   here's some people that we think are a priority for  
9   us, let's get them noticed.

10                  And I noticed a dep -- and I noticed  
11   the depositions for eight witnesses for New Jersey  
12   depositions that we wanted to take. I got no  
13   response until yesterday, at which point I said -- I  
14   was told, we're going to get back to you.

15                  The only -- the only notice I  
16   received was for one of our witnesses, we were told  
17   just a week ago that she's not in the country, she's  
18   no longer an employee and you're going to have to go  
19   through the Hague if you want her.

20                  Why they couldn't have told me that  
21   March 20th, when I first requested her deposition,  
22   is beyond me, but I wasn't notified about that until  
23   very recently.

24                  The other issue -- and this is a huge  
25   issue, Your Honor -- is that -- I mean, you just

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1 said it. You've produced over a million pages of  
2 TVT documents in the past month. There is so much  
3 that we don't have on TVT and one of the big -- one  
4 of the big examples, which is going to be critical  
5 to our experts in this case, is the registry  
6 information.

7                   There were -- there are -- and they  
8 don't deny it -- there is a TVT worldwide registry  
9 with information about -- about well over a thousand  
10 patients in it, which has not been produced to us in  
11 its entirety.

12                   I've requested the SAS data. I've  
13 requested the underlying questionnaires or basically  
14 case report form information. I have not received  
15 that. I have some SAS data, but I do not have a  
16 complete production.

17                   And I received a very carefully  
18 worded letter from defense counsel just a few days  
19 ago, basically saying, we have produced everything  
20 in our possession, which is very similar to the  
21 responses we got about Dr. Lucente when we were  
22 arguing about the registry Prolift.

23                   It was only after lots of prodding  
24 and pushing and an order from this Court that they  
25 acknowledged that they needed to go out and actually

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1 get some of this stuff. I don't believe we have  
2 complete productions for any of the registries.

3 Dr. Lucente has a TVT-Secur registry  
4 which he started at the same time as the Prolift  
5 registry. They have made a production of the  
6 Prolift registry and there is a problem with that,  
7 which I'm not going to -- we're going to address the  
8 problem. I think it will be addressed, but there  
9 was a problem with the data we received.

10 But I just learned last week that  
11 they're telling me that Dr. Lucente has no idea  
12 where the TVT-S data is and that it may not even  
13 exist anymore, and that the only person who has any  
14 knowledge of it was killed in a car accident a  
15 couple of weeks ago.

16 Why this wasn't collected two years  
17 ago is beyond me. Why it wasn't collected last year  
18 when they were there getting the Prolift data is  
19 beyond me. But they certainly knew that this  
20 existed. I've sent them e-mails where they're  
21 discussing it. It was -- they -- they ended at the  
22 same time. They made payments to him. He was  
23 supposed to write articles about it, but somehow we  
24 don't have the TVT-Secur registry data. And that's  
25 not it. There's other information we still don't

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1 have.

2 So, for me, it's -- it's great to  
3 say, yeah, well, now we've done 11 depositions and  
4 we produced another million pages of documents, but  
5 they can't deny that there's been no real focus on  
6 TVT discovery until very recently. And that was  
7 because the parties were justifiably focused on  
8 Prolift.

9 You know, there was Prolift, there  
10 was Prolift M. There's discrete time periods; and  
11 as Adam said, there's a lot more to learn about the  
12 Prolift cases. There's been one bellwether trial.  
13 Defendants aren't stepping forward and saying, let's  
14 talk about resolving Prolift cases. They intend to  
15 keep trying Prolift cases.

16 So the fact of the matter is, is that  
17 we have other time periods that are relevant to the  
18 Prolift. We have -- particularly, you have, you  
19 know, preclearance, postclearance, but we also have  
20 another time period, which is what happens when the  
21 FDA actually starts issuing warnings, how does that  
22 impact everything?

23 So I don't think that we've resolved  
24 Prolift because we've tried one Prolift case. So I  
25 don't think there's any harm, particularly when --